

**SUMMARY REPORT OF INVESTIGATION**  
**Office of Inspector General Case # 15-0564 (Officer Janet Mondragon)**  
**June 30, 2016**

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This report consists of a summary of the evidence set out in the attached investigative materials and the Office of Inspector General's (OIG's) analysis of that evidence. An index of the investigative materials is attached.

**I. INTRODUCTION**

An OIG investigation has established that Janet Mondragon, a police officer for the Chicago Police Department (CPD) who was present when Officer Jason Van Dyke shot Laquan McDonald on October 20, 2014, violated CPD Rules and Regulations during the subsequent CPD and Independent Police Review Authority (IPRA) investigations.<sup>1</sup> Mondragon was assigned to Beat 813R on October 20, 2014; she and her partner, Officer Daphne Sebastian, were in the vehicle that recorded the most complete footage of the shooting. As detailed further below, Mondragon made false statements and material omissions during her subsequent interviews with CPD and IPRA, which served to exaggerate the threat McDonald posed. In addition, OIG's investigation established that Mondragon failed to follow CPD Rules regarding the operation of CPD's in-car video systems. Accordingly, OIG recommends that CPD discharge Mondragon and refer her for placement on the ineligible for rehire list maintained by the Department of Human Resources.

**II. APPLICABLE RULES, REGULATIONS, AND LAW**

**A. CPD Rules and Regulations**

The "Rules and Regulations of the Chicago Police Department" set out the standards of conduct and duties of sworn members, as well as CPD goals. The Rules and Regulations state that sworn members must "conduct themselves at all times in such a manner as will reflect credit upon the Department with emphasis on personal integrity and professional devotion to law enforcement."

Article V of the CPD Rules and Regulations, entitled CPD Rules of Conduct (the CPD Rules), sets forth specifically prohibited acts. In pertinent part, the CPD Rules include the following prohibitions:

**Rule 2** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

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<sup>1</sup> CPD's investigation in the aftermath of the McDonald shooting was reported under record number HX-475653, and most reports were classified as an investigation into an aggravated assault in which McDonald was the offender. In a few reports, the case was classified as an investigation into a justifiable homicide of which McDonald was the victim. An additional record number was also created and classified as a justifiable homicide, apparently for recordkeeping purposes. In CPD's investigative reports classified under the aggravated assault, CPD personnel drew conclusions about the propriety and lawfulness of Van Dyke's shooting of McDonald. This raises questions about CPD's role in investigating a police-involved shooting in light of IPRA's jurisdiction over the matter.

**Rule 3** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

**Rule 6** Disobedience of an order or directive, whether written or oral.

**Rule 11** Incompetency or inefficiency in the performance of duty.

**Rule 14** Making a false report, written or oral.

**B. CPD Special Order S03-05 (effective February 23, 2012 through February 24, 2016)**

CPD Special Orders are directives that establish protocols and procedures concerning specific CPD functions, operations, programs, or processes. Special Order S03-05 outlines the protocols CPD members are to follow regarding in-car video systems.<sup>2</sup> Section VI of the Special Order provides that at the beginning of their tour of duty, Department members assigned to a CPD vehicle equipped with an in-car video system are to:

- (1) visually inspect the in-car video system equipment for damage;
- (2) obtain the remote transmitter/audio recorder and ensure it is securely attached to the member's person; and
- (3) follow the start-up procedures for the in-car video system as trained and ensure the system is working properly.

The Special Order notes that members are to "immediately notify a supervisor if, at any time, the in-car video system is inoperable, damaged, the equipped vehicle becomes inoperable, or the remote transmitter/audio recorder is missing." During their tour, members are to "audibly and visually record events in accordance with this directive." At the conclusion of a tour of duty, members are to "verify the in-car video system is working properly."

**III. OFFICER MONDRAGON'S EMPLOYMENT HISTORY**

Mondragon has worked as a CPD Police Officer since April 1, 2007. She is a member of Fraternal Order of Police (FOP) Lodge 7.

**IV. SUMMARY OF INVESTIGATION**

**A. Procedural History of OIG's Investigation**

By letter, dated December 8, 2015, IPRA Acting Chief Administrator Sharon Fairley requested that OIG conduct an administrative investigation "to determine whether certain police

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<sup>2</sup> The in-car video systems are also referred to as dash cameras or dashcams.

officers/witnesses made false statements on official reports prepared in connection with [Van Dyke's shooting of McDonald] and/or during the investigation of the incident.”<sup>3</sup> IPRA further requested that OIG investigate “whether any of the involved Chicago Police officers committed any other violation(s) of Chicago Police Department rules, policies or procedures in their involvement with the incident, including, but not limited to, whether any officers’ conduct may have interfered with or obstructed the appropriate investigation and handling of this matter.”

Then, by letter, dated January 13, 2016, CPD Interim Superintendent John J. Escalante requested that OIG conduct an “administrative investigation into any and all allegations of police officer misconduct” arising out of the October 20, 2014 shooting death of McDonald. The Superintendent’s request asked OIG to investigate the following allegations: “whether any officer(s) made false statements on official reports submitted in connection with the shooting of Laquan McDonald on October 20, 2014; whether any officer(s) obstructed or interfered with the investigation of this incident, either individually or in collusion with others; and whether any officer(s) committed any violation of Chicago Police Department rules, policies, or orders in connection with their response and/or handling of this matter.” Escalante attached to the letter request a copy of Sergeant Sandra Soria’s Initiation Report, which raises allegations of misconduct related to the in-car video systems of the vehicles that were present during the McDonald shooting, and identified that Report as a basis for OIG’s administrative investigation.

On March 10, 2016, Kevin Kilmer, Financial Secretary for the FOP, on behalf of all affected members, filed a grievance with CPD stating that OIG’s attempts to conduct CPD officer interviews violated Article 6 of CPD’s Collective Bargaining Agreement (CBA) with the FOP.<sup>4</sup> On March 16, 2016, FOP on behalf of all impacted CPD officers filed a “Complaint for Injunction in Aid of Arbitration” in the Circuit Court of Cook County, asking the court to enjoin OIG from conducting interviews until the grievance was decided in arbitration.<sup>5</sup> The court dismissed the complaint and denied the injunction on March 22, 2016.

OIG’s administrative investigation of other CPD employees’ actions related to the McDonald shooting is ongoing. During the course of its investigation, OIG has gathered documents from CPD and IPRA, among other sources, and conducted numerous interviews, including interviews of thirteen CPD personnel who were at or responded to the scene of the shooting and seven civilian witnesses to the shooting. To date in its ongoing investigation, OIG has recommended

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<sup>3</sup> On November 24, 2015, the Cook County State’s Attorney charged Van Dyke with a single count of first degree murder in the shooting of McDonald. On December 15, 2015, it subsequently charged him with six counts of murder. OIG has not been involved with any criminal investigation related to the shooting and makes no findings regarding Van Dyke’s use of force.

<sup>4</sup> Section 6.1, Paragraph I of the CBA states, “If the allegation under investigation indicates a recommendation for separation is probable against the Officer, the Officer will be given the statutory administrative proceeding rights, or if the allegation indicates criminal prosecution is probable against the Officer, the Officer will be given the constitutional rights concerning self-incrimination prior to the commencement of interrogation.” CPD General Order GO8-01-01, Paragraph K contains similar language.

<sup>5</sup> *Fraternal Order of Police, Chicago Lodge 7 v. City of Chicago*, No. 2016 CH 03726 (Cir. Ct. of Cook County, Ill., Mar. 16, 2016).

disciplinary action against multiple CPD personnel, sustaining allegations that they each put forth a false narrative regarding the shooting.

## B. The Events of October 20, 2014

The following sections detail the shooting of McDonald, as well as the relevant events that occurred directly before and after the shooting.<sup>6</sup>

### 1. [REDACTED] and Rudy Barillas's Encounter with McDonald<sup>7</sup>

[REDACTED] and [REDACTED] Rudy Barillas, were parking a truck in a lot at 41st Street and Kildare Avenue when [REDACTED] saw a black male, whom she subsequently identified as McDonald, attempting to steal property from certain vehicles parked in the lot. Barillas told McDonald to leave the lot. McDonald responded by making growling noises. After Barillas again told McDonald to leave the lot, McDonald pulled out a knife and swung it at Barillas. Barillas, who had already called 911, then threw his cell phone at McDonald.<sup>8</sup> McDonald ran from the lot, first northbound on Kildare and then eastbound on 40th Street.

### 2. Officers Thomas Gaffney and Joseph McElligott's Encounter with McDonald<sup>9</sup>

Officer Thomas Gaffney and his partner Officer Joseph McElligott received a call over the radio that someone had broken into a truck at 4100 South Kildare and were dispatched to the scene.<sup>10</sup> Gaffney was driving, and McElligott was in the passenger seat of their assigned vehicle, 815R.<sup>11</sup>

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<sup>6</sup> On April 22, 2016, OIG obtained maps of the locations that are relevant to the shooting from Google Maps and included those maps in Appendix A. Those maps generally reflect the street layout and location of relevant businesses as they were on the night of October 20, 2014.

<sup>7</sup> The following account of [REDACTED] and Barillas's encounter with McDonald is taken from the March 16, 2015 case supplementary report (CSR) submitted by CPD Detective David March, which includes the statements that [REDACTED] and Barillas provided to CPD on October 21, 2014, and October 22, 2014, respectively. OIG 15-0564 003077.

<sup>8</sup> OEMC recordings reflect that Barillas called 911 at 9:45 p.m. stating that he was holding "a guy right hear [sic] that stolen [sic] the radios" from trucks in a truck yard located at "41st and Kildare." OIG 15-0564 003227.

<sup>9</sup> The following account of Gaffney and McElligott's encounter with McDonald is taken from (1) the audio-recorded statements Gaffney and McElligott provided to IPRA on October 21, 2014, OIG 15-0564 000482-98, 000610-30; and (2) the March 16, 2015 CSR submitted by Detective David March, which includes the statements that Gaffney and McElligott provided to March on the night of the McDonald shooting. OIG 15-0564 003067-69.

<sup>10</sup> OEMC records reflect that Gaffney and McElligott received the call at 9:47 p.m. OIG 15-0564 003691.

<sup>11</sup> Below is a chart identifying the beat numbers and vehicle numbers of the CPD vehicles that were present when McDonald was shot, along with the names of the officers who were assigned to those vehicles. This SRI refers to the below-referenced vehicles by beat number, unless otherwise specified.

When they arrived at 4100 South Kildare, they saw a Hispanic male and female standing by the gate to the truck yard. The two said that a black male wearing a black shirt, later determined to be McDonald, had been trying to steal the radio out of a semi-truck, and had subsequently headed north toward 40th Street.

Gaffney and McElligott drove north on Kildare, turned right onto 40th Street, and saw McDonald walking east on the south side of 40th Street. McElligott exited the vehicle and commanded McDonald to stop and turn around. Gaffney stayed in the vehicle in case McDonald attempted to flee. McElligott ordered McDonald to take his hands out of his pockets. McDonald, who had been facing McElligott, turned and walked away with one hand still in his pocket. McDonald then turned again and took both of his hands out of his pockets. He had a knife in his right hand. McElligott drew his weapon and told McDonald to drop the knife. McDonald started walking east again, going from the sidewalk to the street and back. McElligott followed McDonald on foot, shining his flashlight on him, while Gaffney followed in 815R, parallel to McDonald.

As McDonald approached the intersection of 40th and Keeler, Gaffney reported to dispatch that McDonald was walking away with a knife in his hand.<sup>12</sup> Gaffney and McElligott continued to follow McDonald as he headed east, with McElligott giving McDonald orders to drop his knife and stop. McDonald kept turning around and giving the officers a “weird glaze[d] look.” Gaffney IPRA Tr. 11:20.<sup>13</sup>

As McDonald approached the intersection of 40th and Karlov, Gaffney turned his car toward McDonald to direct him down Karlov. Gaffney wanted to keep McDonald away from Pulaski, which was a more populated area. McDonald then swung his arm and popped 815R’s right front tire with his knife. McElligott was toward the back of 815R when McDonald popped its tire. After McDonald took a step back from the vehicle, Gaffney pulled up further in front of him to stop him from proceeding to Pulaski. McDonald then hit the right side of 815R’s windshield once with the knife in his right hand. The windshield did not break but, according to Gaffney, McDonald hit it as hard as he could. McDonald walked around the front of 815R and continued

Beat #	Vehicle #	Officers
845R	6412	Officer Joseph Walsh (driver), Officer Van Dyke (passenger)
815R	8489	Officer Gaffney (driver), Officer McElligott (passenger and on foot)
813R	8779	Officer Mondragon (driver), Officer Sebastian (passenger)
822R	8765	Officer Arturo Becerra (driver), Officer Leticia Velez (passenger)
841R	8948	Officer Ricardo Viramontes (driver), Officer Dora Fontaine (passenger)

<sup>12</sup> OEMC recordings reflect that, at 9:53 p.m., 815R reported: “We’re at 40th and Keeler. This guy uh is walking away from us and he’s got a knife in his hand.” Approximately 30 seconds later, a dispatcher stated, “815R looking for a taser.” See OEMC Documents and CDs; see also OIG 15-0564 003691, 3228.

<sup>13</sup> OIG 15-0564 000620.

eastward on 40th Street. After McDonald had walked 10 to 15 feet, another squad car turned off of Pulaski onto 40th Street with its lights on, and McDonald began to sprint. McElligott followed McDonald on foot, and Gaffney followed McDonald in 815R. McDonald ran eastbound through a parking lot of a Burger King located at 40th and Pulaski and then headed southbound on Pulaski. Video footage from several cameras captured McDonald's movements as he reached Pulaski.

### 3. Summary of the Relevant Video Footage

The below table contains a summary of the relevant video footage of the McDonald shooting, which includes the dashcam videos from 813R (the vehicle in which Mondragon was the driver), 823R, and 845R, video from the “WNE fire exit” security camera from the Greater Chicago Food Depository, which is bordered by 40th Street to the north, Karlov Avenue to the east, and Keeler Avenue to the west, and the security camera video from the Dunkin’ Donuts, located at 4113 South Pulaski Road (the DD Camera).<sup>14</sup>

Time	Event(s) Captured	Source of Video
9:53:17 – 9:54:42	McDonald walks eastbound on the south side sidewalk of 40th Street; a CPD SUV travels east on 40th Street, parallel to McDonald with its front bumper even with McDonald; an officer on foot trails directly behind McDonald by the length of the SUV, with his flashlight trained on McDonald. <sup>15</sup>	Greater Chicago Food Depository Security Camera
9:56:53 – 9:57:01	813R and 845R turn left onto 40th Street from Pulaski.	813R Dashcam
9:57:01 – 9:57:09	An unidentified person on 40th Street points the CPD vehicles toward the Burger King parking lot (813R); 845R turns into the parking lot (813R). McDonald runs southeast through the Burger King parking lot out onto Pulaski (845R).	813R Dashcam; 845R Dashcam
9:57:09 – 9:57:20	845R drives over the curb and sidewalk north of Burger King and heads south on Pulaski (845R); 813R turns around, turns right onto 40th Street, and then right again	813R Dashcam; 845R Dashcam

<sup>14</sup> In addition to the videos cited in the summary, OIG obtained video footage from the security camera videos at Burger King and Focal Point, and the dash camera videos from Vehicles 815R and 821R. These videos did not contain footage relevant to this report.

<sup>15</sup> OIG confirmed the vehicle is 815R and the officer on foot is McElligott by comparing the video with photographs of the officers. OIG 15-0564 003356.

	on Pulaski (813R); McDonald runs southbound in the middle of Pulaski and enters the intersection of 41st Street and Pulaski (813R).	
9:57:20 – 9:57:25	845R, which is facing east/southeast on Pulaski just north of 41st street, turns right behind McDonald and proceeds south on Pulaski on the east side of the street; 845R's passenger door briefly opens and then closes as it passes McDonald on his left; McDonald continues southbound on Pulaski, toward 822R, which is stopped in the middle of Pulaski facing north.	813R Dashcam
9:57:25 – 9:57:28	McDonald slows as he approaches 822R, touches his hands to his waist, and then, before Walsh and Van Dyke exit 845R, extends his right arm fully to his right—the video shows that he has a silver object in his right hand; 845R passes 822R and comes to a stop on the east side of Pulaski, facing south and almost directly south of 822R; Van Dyke opens 845R's passenger door.	813R Dashcam
9:57:28 – 9:57:30	McDonald changes course and begins walking southwest on Pulaski, away from 822R and 845R (813R); Van Dyke exits the passenger side of 845R with both of his feet in Pulaski's northbound left turn lane, his gun drawn and pointed at McDonald (813R). Walsh exits the driver side of 845R, just east of Pulaski's northbound left turn lane, with his gun drawn, and moves north along the driver side of 845R until he is several feet north of 845R (DD Camera).	813R Dashcam; DD Camera <sup>16</sup>
9:57:30 – 9:57:33	McDonald continues to walk southwest, from the middle of Pulaski to the lane markers that divide the west side of the road (or approximately one lane west of where McDonald was prior to changing course) (813R). While McDonald walks southwest, Walsh begins moving sideways in a west/southwest direction, approximately parallel to McDonald, and crosses over the east side of Pulaski's northbound left-turn lane—his gun is pointed at McDonald (813R; DD Camera). Van Dyke takes approximately two steps northwest toward McDonald,	813R Dashcam; DD Camera

<sup>16</sup> The DD Camera video does not display an embedded timestamp. Therefore, OIG used the timestamp of 813R's video, which generally captured the same events as the DD Camera from a different angle, to establish the timeframe of the events captured by the DD Camera.

	with his left foot crossing into Pulaski's yellow-painted median strip—his gun is pointed at McDonald (813R; DD Camera). 822R drives north on Pulaski, away from 845R (813R).	
9:57:33 – 9:57:36	As McDonald approaches the lane markers on the west side of Pulaski, walking in a southwest direction, he looks to his right and moves his right hand behind his waist, near the right side of his lower back, then brings his hand back to his right side (813R). As McDonald crosses the lane markers on the west side of Pulaski, he looks to his left, and takes a step southbound (813R). Meanwhile, Walsh continues moving west/southwest with his gun pointed at McDonald, ultimately traversing almost the entire width of Pulaski's northbound left-turn lane (813R; DD Camera). Van Dyke takes an additional step west, toward McDonald, putting both of his feet in Pulaski's median strip and placing himself almost directly between McDonald and Walsh (813R; DD Camera). McDonald is then apparently shot and Walsh stops moving and adopts a stance, with his feet more than a shoulder's width apart (813R; DD Camera).	813R Dashcam; DD Camera
9:57:36 – 9:57:54	McDonald spins between 180 and 270 degrees in a clockwise direction and then falls to the ground with the top of his head pointing south on Pulaski, approximately one street lane east of Van Dyke and just south of Van Dyke (813R). As McDonald falls to the ground, Van Dyke takes another step west toward McDonald, moving his right foot from Pulaski's median strip into the southbound side of Pulaski; his gun remains pointed at McDonald (813R). Van Dyke subsequently takes an additional step or two south, toward McDonald. Other than those steps, Van Dyke's feet are stationary (DD Camera). After McDonald is on the ground, his legs and feet do not move (813R). McDonald's upper body makes small, intermittent movements as what appear to be puffs of smoke rise from McDonald's body (813R). <sup>17</sup>	813R Dashcam; DD Camera
9:57:54 – 9:58:05	An officer approaches McDonald and kicks the knife from his hand. McDonald does not make any noticeable	813R Dashcam

<sup>17</sup> OEMC records show that dispatch received notice to send an ambulance to the scene at 9:57:51. OIG 15-0564 003691.

	movements.	
9:58:05- 9:58:20	McDonald lies on the ground; no aid is rendered by CPD personnel. 823R, travelling northbound, pulls up on the west side of Pulaski, and stops just south of where McDonald is lying.	813R Dashcam; 823R Dashcam
9:58:20- 9:58:57	Several CPD officers walk and stand near McDonald as he lies on the ground; no aid is rendered by CPD personnel.	813R Dashcam; <sup>18</sup> 823R Dashcam
9:58:57- 9:59:02	823R begins making a U-turn on Pulaski. A Cook County Sheriff's Police Department (CCSPD) officer puts on blue gloves and walks toward McDonald. <sup>19</sup> McDonald is no longer visible in the video frame.	823R Dashcam

#### 4. CCSPD Officer Accounts of the October 20, 2014 McDonald Shooting<sup>20</sup>

While on patrol on October 20, 2014, CCSPD Officers Adam Murphy and Jeff Pasqua observed several CPD police vehicles pass by them. Both officers decided to follow the CPD vehicles. When they arrived at the scene, several CPD vehicles were already present—Pasqua estimated it was five or six. McDonald was lying on the pavement “gasping for his last breath of air.” Pasqua OIG Tr. 11:22-23. Meanwhile, the CPD officers were “standing around” and talking to each other. Murphy OIG Tr. 11:1. Murphy noted the CPD officers did not respond to him when he asked if they needed assistance. Murphy stated:

I see there's blood all over the pavement. [McDonald] was kind of gurgling when he was sitting there. I remember his mouth was going open and closed like he was trying to gasp for air. And I looked for everybody else, and they were kind of standing there. I just started taking my gloves—my rubber gloves out to check for a pulse and to see if I could render aid.

Murphy OIG Tr. 12:18-13:2. He heard someone say an ambulance was en route. Both Officers Murphy and Pasqua recalled then watching McDonald take his final breaths.<sup>21</sup> It was “[m]aybe less than a minute before [McDonald] expired.” Murphy OIG Tr. 14:15-16. At no time did any

<sup>18</sup> The last time stamp visible on the 813R dashcam video is 9:58:55.

<sup>19</sup> OIG identified the CCSPD officer as Officer Adam Murphy.

<sup>20</sup> The following CCSPD Officer accounts are taken from OIG's June 23, 2016 interview of Jeff Pasqua and its June 24, 2015 interview of Adam Murphy. Pasqua and Murphy are currently CCSPD investigators.

<sup>21</sup> The Medical Examiner's Case Report states McDonald was pronounced dead “on view” at Mount Sinai Medical Center on October 20, 2014, at 10:42 p.m. OIG 15-0564 015029.

CPD officers attempt to provide aid or comfort McDonald—Murphy stated, “That’s why I felt that I needed to go up to him.” Murphy OIG Tr. 14:11-12.

After McDonald passed away, Murphy got up from beside him and noticed the shooting officer, who he now knows to be Van Dyke, “pacing back and forth in front of his car.” Murphy OIG Tr. 15:7-8. Murphy approached him and told him to sit down and drink water. As he was speaking with Van Dyke, Murphy “heard several officers telling [Van Dyke] to call your union rep, call your union rep.” Murphy OIG Tr. 15:16-17.

Murphy and Pasqua departed after approximately ten minutes on the scene when a CPD sergeant told them CPD did not need their assistance. At the time they left, there was “[a] sea of CPD” on scene. Murphy OIG Tr. 38:3; Pasqua OIG Tr. 25:7-8.

### **C. Officer Mondragon’s Statements Regarding the McDonald Shooting**

#### **1. October 20, 2014 Statement to Detective David March<sup>22</sup>**

On March 15, 2015, Detective David March submitted a case supplementary report (CSR) with the R.D. Number HX475653 that contains a summary of CPD’s investigation in the aftermath of the McDonald shooting. Lieutenant Anthony Wojcik approved the CSR on March 16, 2015. Included in that CSR is March’s summary of the statement he obtained from Mondragon at the scene of the shooting.<sup>23</sup> The CSR summarizes Mondragon’s October 20, 2014 statement in relevant part as follows:

[Mondragon] stated she was a Chicago Police Officer assigned to the 008th District. Mondragon related the same facts as her partner, Officer Daphne Sebastian.

Officer Mondragon added that as she drove westbound on 40th Street, she saw Officer McElligott running eastbound through the Burger King parking lot. She made a U-Turn and drove back out onto Pulaski Road. Mondragon turned southbound onto Pulaski. She saw Laquan McDonald running southbound on Pulaski, in the middle of the street. As she got closer she could see McDonald was holding a knife in his right hand. He was waving the knife.

Officer Mondragon saw Officers Joseph Walsh and Jason Van Dyke outside of their police vehicle. She heard the officers repeatedly ordering McDonald to “Drop the knife!” as McDonald got closer and closer to the officers, continuing to wave the knife. As she was placing her vehicle transmission into Park,

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<sup>22</sup> OIG 15-0564 003070.

<sup>23</sup> March completed a General Progress Report (GPR) relating to his interview of Mondragon that contains March’s handwritten notes of the interview. OIG 15-0564 003249. March’s handwritten notes of the interview do not differ in any significant way from his summary of Mondragon’s statement in the CSR.

Mondragon looked down and heard multiple, continuous gunshots, without pause. Mondragon then saw McDonald fall to the ground. Mondragon did not know who fired the shots.

2. October 21, 2014 Statement to IPRA<sup>24</sup>

On October 21, 2014, at 5:29 a.m., IPRA investigator Brian Killen interviewed Mondragon at Area Central Police Headquarters, located at 5101 South Wentworth, regarding the McDonald shooting. Attorney Dan Herbert and FOP Field Representative Kriston Kato accompanied Mondragon. Prior to the interview, Killen informed Mondragon that “any intentional falsification of any answer to any question would be in direct violations [sic] of rules and regulations,” and that her “failure to provide a complete and accurate account of this incident could result in a finding of a violation of Rule 14 with discipline leading up to and including separation from the Chicago Police Department.” Mondragon IPRA Tr. 3:22-32. Mondragon indicated that she understood the potential disciplinary consequences of making a false statement to IPRA and of providing a less than complete account of the shooting to IPRA. In summary, Mondragon stated as follows.

On the evening of October 20, 2014, Mondragon was on routine patrol with her partner, Sebastian. They began work at 9:00 p.m., were in full uniform, and were assigned a marked Ford Explorer, vehicle 8779. Mondragon was the driver of the vehicle.

When Mondragon and Sebastian were near 55th Street and Kostner, they heard a radio dispatch from officers asking for more cars at 40th Street and Kildare. When asked if she remembered why officers had called for more cars, she answered: “[T]hey stated that um they had a call about someone breakin’ into cars. And uh the offender that was on scene um had a knife. So they were lookin’ for a car with a taser.” Mondragon IPRA Tr. 5:21-24. Neither Mondragon nor Sebastian carried a taser.

Mondragon drove northbound on Pulaski, toward the location of the call. As she approached 40th Street, she saw 845R travelling in front of her vehicle. Both cars turned on 40th Street. Mondragon then saw McElligott running across the parking lot of the Burger King. At that point, Mondragon turned around and drove back onto Pulaski. She was not able to see an offender. As Mondragon drove south on Pulaski and was approaching 41st Street, she saw the offender, now known as McDonald, running southbound in the middle of Pulaski in front of her car, waving his hand up and down. She also saw another squad car coming toward her and saw 845R drive around McDonald. When Mondragon got closer to him, she saw a knife.

Mondragon said that McDonald was “waving the knife. He’s movin’ around. He’s like not completely running but he’s like I don’t know jogging, I could say.” Mondragon IPRA Tr. 9:31-10:2. Next, she related: “As we come you know I’m right behind ‘em next thing you know I hear um, I see officers um Walsh get outta their vehicle and I hear them say drop the knife, drop the knife, drop the knife. And he’s just you know wavin’ it. And then that’s when I hear shots fired.” Mondragon IPRA Tr. 10:2-8. When asked if McDonald was facing Walsh and his

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<sup>24</sup> OIG 15-0564 000597-609.

partner when he was waving the knife, Mondragon said she did not recall.<sup>25</sup> Mondragon reiterated that she heard the officers say “drop the knife” several times and noted that, at that point, her vehicle was still moving slowly behind McDonald.

Mondragon then heard gunshots, but did not know who was shooting. She did not see any muzzle flash. She was not sure how many gunshots she heard, but it was several. Then, Mondragon said, “I’m still moving and I see the offender drop down.” Mondragon IPRA Tr. 11:13-14. Immediately after seeing McDonald “drop down,” she exited her vehicle and began directing oncoming cars away from the scene of the shooting. Mondragon IPRA Tr. 11:14-20.

When asked by IPRA whether everything she stated was “a true and accurate account of what occurred,” Mondragon said, “Yes.” Tr. 12:10-12.

#### **G. Records and Interview Concerning 813R’s In-Car Video System**

On October 21, 2014, CPD Sergeant Lance Becvar submitted a supplementary report for R.D. Number HX475653 concerning his retrieval of video from the in-car video systems of the five CPD vehicles that were on scene when Van Dyke shot McDonald.<sup>26</sup> With respect to 813R, the vehicle Mondragon was driving on October 20, 2014, Becvar noted, “video recovered.” Becvar also completed an “In Car Camera Video Retrieval Worksheet” regarding his October 20, 2014 video retrieval, in which he made the following notation with respect to 813R: “Mics in glove box batteries inserted upside down → fully op.”<sup>27</sup>

On July 17, 2015, Becvar sent an email summarizing his findings regarding his October 20, 2014 video retrieval from 845R and the other four CPD vehicles that were on scene when Van Dyke shot McDonald.<sup>28</sup> With respect to 813R, Becvar stated as follows: “Video recovered titled PC0Z400@20141020215250, No mics because they were in the glove compartment with the batteries inserted upside down – Disabling them.”

In a January 27, 2016 OIG interview with Becvar, he stated that, while video had been recovered from 813R’s system, there was no audio recording because the system’s microphones “were in the glove compartment with the batteries turned upside down.” Becvar OIG Tr. 52:8-10. When asked what he had made of the fact that the batteries had been put in upside down, Becvar answered, “It’s a known way to get around the video – get around the microphones.” Becvar OIG Tr. 52:18-19. He went on to explain that, if batteries had been put in upside down accidentally, an officer should have been able to ascertain that from the operation of the system.

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<sup>25</sup> Mondragon’s answer in the transcript reads, “Honestly I, I (noise) how would I recall.” Mondragon IPRA Tr. 10:13. The audio recording of the interview suggests that Mondragon answered, “Honestly I, I wouldn’t recall.”

<sup>26</sup> OIG 15-0564 004991.

<sup>27</sup> OIG 15-0564 004992.

<sup>28</sup> OIG 15-0564 000567.

## H. OIG's Interview of Officer Mondragon

On February 24, 2016, pursuant to Section 6.1 of the CBA between CPD and FOP, OIG, through CPD's Bureau of Internal Affairs, served Mondragon with a Notification of Interview, Notification of Allegations, and copies of her prior statements, including: (1) her October 20, 2014 statement to March, contained in the March 16, 2015 CSR; (2) March's GPR containing his handwritten notes of his interview of Mondragon; and (3) Mondragon's October 21, 2014 statement to IPRA. In addition, OIG provided Mondragon with the dashcam footage from 813R and 845R and the security camera footage from Dunkin' Donuts.

On March 22, 2016, OIG investigators interviewed Mondragon under oath after informing her of her administrative advisements orally and in writing. She provided oral and written acknowledgment of the reading of those advisements. The interview was transcribed by a certified court reporter. Mondragon's attorney, Jennifer Russell, was also present for the interview.

In an interview which lasted just less than four hours, including breaks, Mondragon answered that she did not remember or did not recall approximately 145 times. In addition, she answered "not that I remember," or "not that I recall" more than a dozen times, including in answer to such questions as whether she had ever witnessed a police-involved shooting—or indeed any shooting—before October of 2014.

In summary, Mondragon stated as follows. As of October 20, 2014, Mondragon was assigned to CPD's 8th District and was working with Sebastian, one of her regular partners.

### 1. The Scene of the Shooting

Mondragon and Sebastian were at the scene of the McDonald shooting. Immediately after McDonald was shot, they got out of their car and began directing traffic away from the scene. Mondragon first said she "didn't really talk" to Sebastian at the scene, and then said she did not remember speaking with Sebastian. Mondragon OIG Tr. 48:21. Mondragon did not remember whether she spoke to any CPD sergeants at the scene of the shooting; she did not remember whether she spoke to Sergeant Stephen Franko or Commander David McNaughton, or whether either of them was at the scene. She did not remember speaking to March or to any detective. After reviewing a copy of March's CSR, recounting an interview with Mondragon, she said, "I'm sure I spoke to him at some point, but I don't remember where or when." Mondragon OIG Tr. 47:22-23. She did not remember whether she spoke to a FOP representative at the scene.

At the scene, a technician approached Mondragon and asked if he could look at the in-car video in the vehicle she had been driving. Mondragon set up the video to play and gave the technician access to the system. She did not remember whether she watched the in-car video of the shooting at the scene.

## 2. Area Central

At some point, Mondragon left the scene of the shooting and went to Area Central. She drove herself and Sebastian in 813R; Mondragon did not recall what they talked about on the way. When they arrived, there were other officers there. Mondragon remembered seeing Officers Viramontes and Fontaine, but did not remember whether Officers Walsh, Van Dyke, McElligott, or Gaffney were there. She did not remember talking to any other officers at Area Central, and did not remember whether she spoke with a detective. Mondragon did specifically recall that there was pizza at Area Central.

## 3. Mondragon's Statement to Detective March

Mondragon reviewed the statements attributed to her in the March 16, 2015 CSR and provided the following responses.

Statement from CSR	Response When Asked to Review
“Mondragon related the same facts as her partner, Officer Daphne Sebastian.”	Mondragon agreed that, “for the most part,” she related the same facts as Sebastian, but identified two segments from Sebastian’s statements that she had not related. First, Mondragon said she did not tell March that “McDonald ignored the verbal directions and continued to advance on the officers waving the knife.” Mondragon OIG Tr. 96:1-6. Second, she did not tell March that the shots “were fired in one continuous group.” Mondragon OIG Tr. 96:17-18.
“Officer Mondragon added that as she drove westbound on 40th Street she saw Officer McElligott running eastbound through the Burger King parking lot. She made a U-Turn and drove back out onto Pulaski Road. Mondragon turned southbound onto Pulaski. She saw Laquan McDonald running southbound on Pulaski in the middle of the street. As she got closer she could see McDonald was holding a knife in his right hand. He was waving the knife. Officer Mondragon saw Officers	Mondragon affirmed that she made this statement to March and that it was accurate.

Joseph Walsh and Jason Van Dyke outside of their police vehicle.”	
“[Mondragon] heard the officers repeatedly ordering McDonald to drop the knife as McDonald got closer and closer to the officers continuing to wave the knife.”	When asked whether she made this statement to March, Mondragon answered: “So I made part of the statement to the detective, but, you know, where it says ‘drop the knife,’ yes. Now where it says ‘got closer and closer to the officers continuing to wave the knife,’ those were not my exact words.” Mondragon OIG Tr. 88:20-24. When asked why the statement attributed to her was inaccurate, she answered, “Because I probably said, you know, he was walking on – you know, going forward southbound.” Mondragon OIG Tr. 89:5-7. When asked, “Did you not say that McDonald was getting closer and closer to the officers?”, she answered, “I don’t remember saying it, you know, like that. . . . He was walking, you know, just going ahead, moving forward.” Mondragon OIG Tr. 89:10-18. She explained again, “I don’t know what ‘closer’ – I don’t know by whatever – but whenever it says ‘closer and closer to the officers,’ I don’t know if they were trying to say that he was, like, approaching them, like he kept walking towards, you know, not—he was going southbound towards where the officers were.” Mondragon OIG Tr. 91:1-7. Mondragon stood by her statement that, at that point, McDonald was continuing to wave the knife.
“As she was placing her vehicle transmission into park, Mondragon looked down and heard multiple continuous gunshots without pause.”	Mondragon affirmed the first part of this statement, but added: “[N]ow, that ‘continuous gunshots without pause’ I don’t remember. I remember I said several shots.” Mondragon OIG Tr. 92:24-93:1.
“Mondragon then saw McDonald fall to the ground.”	Mondragon affirmed that she made this statement to March and that it was accurate. Mondragon OIG Tr. 94:22-24.

Mondragon reviewed the allegations against her as set out in the Notification of Allegations served upon her by OIG, as relating to her statement to March. She responded, in relevant part, to the allegations as follows.

Allegation	Response
“On or about October 20, 2014, you provided a false narrative to Detective David March of the Chicago Police Department (CPD) concerning the McDonald shooting through a series of false statements and material omissions.”	When asked if she stood by her statement to March, with the exception of her specific corrections, Mondragon answered, “To the detective, yes.” Mondragon OIG Tr. 111:8.
“It is alleged that on October 20, 2014, you made a material omission during an interview with Detective March when you failed to state that McDonald changed the direction in which he was walking prior to the shooting.”	Mondragon said: “Well, he was always walking southbound. He never turned back and walked back or anything, that’s what this is saying that he changed direction.” Mondragon OIG Tr. 102:17-20.
“It is alleged that on or about October 20, 2014, you made a false statement during an interview with Detective March when you stated that as you were placing your vehicle transmission into park, you looked down and heard multiple gunshots without pause.”	<p>When asked if she stood by this statement, Mondragon answered, “for the most part, yes. When it comes down to the continuous without a pause, I don’t recall saying that.” Mondragon OIG Tr. 104:17-19.</p> <p>Later in her interview, Mondragon was asked more questions about how long it took to put her vehicle in park, causing her not to see critical parts of the shooting. She acknowledged that she had driven 813R several times before, and did not know how long it took to move the transmission into park. She allowed, “It might take a second. It might take two.” Mondragon OIG Tr. 119:3-4. When asked why she did not look up after she had finished putting the vehicle in park, she answered, “I don’t know, I don’t remember why I didn’t look up.” Mondragon OIG Tr. 121:11-12. She confirmed that the gear shift lever in 813R was on the steering wheel.</p>
“It is alleged that on or about October 20, 2014, you made a material omission during an interview with Detective March	When asked, “Why didn’t you tell Detective March that they moved towards McDonald prior to the shooting?”, Mondragon answered: “What do you mean ‘moved towards’? I didn’t see them.”

when you failed to state that Officers Walsh and Van Dyke moved towards McDonald prior to the shooting.”	Mondragon OIG Tr. 103:14-15. She was later asked, “[H]ow is it that you saw the officers get out of the vehicle, but you didn’t see their next – the next immediate movements they made to walk towards McDonald?” Mondragon OIG Tr. 111:18-21. She answered, “Like I said, I saw them. They got out of their vehicle. As soon as they got out, like I said, I was focused, I saw them – I mean out of the corner of my eye I saw them. They get out, and I was focused on him. That’s when I put [the car] on park and everything else happened.” Mondragon OIG Tr. 111:24-112:5. She later reiterated, “I saw them get out, out of the corner of my eye, then, you know, I looked at Laquan, put my car in park, and everything happened.” Mondragon OIG Tr. 112:22-24.
“It is alleged that on or about October 20, 2014, you made a false statement during an interview with Detective March when you stated that you did not know who fired the shots.”	Mondragon stood by this statement. When asked how it was that she did not see who was shooting, she answered, “I was – you know, I was driving, and I was focused on Laquan.” Mondragon OIG Tr. 105:7-8. When asked whether she saw McDonald “actually being shot,” Mondragon answered, “I don’t recall if I actually saw – like I said, I put it on park, heard the shots. He fell to the ground.” Mondragon OIG Tr. 105:13-17. However, when asked, “[S]o you saw him standing and then fall to the ground?”, she answered, “I don’t – I don’t know. I don’t remember.” Mondragon OIG Tr. 105:18-20. When asked, “Would you think that witnessing a shooting would be something that would stick in your memory?”, she said she was “sure it would,” but that it was not really sticking in her memory at that time. Mondragon OIG Tr. 106:24-107:5. Mondragon was asked to confirm that she “did not see who was shooting because [she was] focused on Laquan McDonald,” and she answered, “Yeah. I was looking at him.” Mondragon Tr. 110:2-5. Nonetheless, Mondragon did not remember whether she saw McDonald fall to the ground.

During her OIG interview, Mondragon watched the footage captured by the in-car video system in 813R, the car she was driving on October 20, 2014. Before watching the video, she said, “I mean, seeing the video is not going to change what my statement says.” Mondragon OIG Tr. 126:4-5. After watching the video, she was asked: “You said your attention was on McDonald

when you were at the scene. Did you see him standing and then fall to the ground?" She answered, "Like I said, I don't remember that." Mondragon OIG Tr. 128:19-22. The following exchange then took place:

OIG: You did not see Officers Walsh or Officer Van Dyke – you did not see who shot?

Mondragon: No, I didn't.

OIG: And you did not see Laquan McDonald standing and then fall to the ground?

Mondragon: I don't recall seeing him, like I said, but I don't, no. I didn't see who shot.

\* \* \*

OIG: So I wanted to ask you, is your statement that you did not see any of that, the shooting, because you were looking down?

Mondragon: I don't remember if I said because I was looking down the entire time, but I didn't see the shots.

Mondragon OIG Tr. 129:5-130:10.

#### 4. Mondragon's October 21, 2014 IPRA Interview

Mondragon did not recall whether she spoke with an attorney or a FOP representative before her October 21, 2014 IPRA interview at Area Central.

Mondragon reviewed the allegations against her as set out in the Notification of Allegations served upon her by OIG, as relating to her IPRA interview. She responded, in relevant part, to the allegations as follows.

Allegation	Response
"It is alleged that on or about October 21, 2014, you provided a false narrative to IPRA Investigator Killen concerning the McDonald shooting through a series of false statements and material omissions."	When asked if she stood by her position that she gave a true and accurate account of the McDonald shooting, Mondragon answered, "Yes." Mondragon OIG Tr. 143:22.
"It is alleged that on or about October 21, 2014, you made a	Mondragon said, "he was walking southbound. To me, changing direction would be if he, you know,

<p>material omission during an interview with IPRA Investigator Killen when you failed to [state] that McDonald changed the direction in which he was walking prior to the shooting.”</p>	<p>turned around, started walking northbound or east or west. That’s changing direction.” Mondragon OIG Tr. 135:15-18.</p>
<p>“It is alleged that on or about October 21, 2014, you made a material omission during an interview with IPRA Investigator Killen when you failed to state that officers Walsh and Van Dyke moved towards McDonald prior to the shooting.”</p>	<p>Mondragon said, “Like I said, I saw them get out of the vehicle, and that’s it.” Mondragon OIG Tr. 136:4-5.</p>
<p>“It is alleged that on or about October 21, 2014, you made a false statement during an interview with IPRA Investigator Killen when Killen asked you if you knew who was shooting, and you stated no.”</p>	<p>When asked if she stood by this statement to IPRA, Mondragon answered, “Yes.” Mondragon OIG Tr. 136:20.</p>
<p>“It is alleged that on or about October 21, 2014, you made a false statement when during an interview with IPRA Investigator Killen, Killen asked if everything you stated was a true and accurate account of what occurred, and you said yes.”</p>	<p>When asked if she stood by her position that she gave a true and accurate account of the McDonald shooting, Mondragon answered, “Yes.” Mondragon OIG Tr. 143:13.</p>

## 5. Use of 813R’s In-Car Video System

Mondragon reviewed CPD Special Order S03-05 outlining the protocol for in-car video systems. Mondragon was familiar with the procedures set out therein as of October 20, 2014, and she had received training on them.

Mondragon had used vehicle 8779 several times before October 20 2014. On that date, the car had a dashcam system. When asked if she had ever had problems with vehicle 8779’s in-car

audio or video system prior to October 20, 2014, she answered, “Not that I remember.” Mondragon OIG Tr. 154:6-9. When asked where the microphones for the system were stored, Mondragon said, “It depends. I don’t remember that car where they kept it.” Mondragon OIG Tr. 155:19-20.

Mondragon reviewed Becvar’s notes having to do with vehicle 8779’s microphones being in the glove compartment, with their batteries inserted upside down. When asked if she could explain why the mics were in the glove compartment, she answered, “I have no idea, no.” Mondragon OIG Tr. 158:1. Mondragon could not explain why the batteries were inserted upside down, and denied purposely disabling the microphones. When asked if she had checked the system’s microphones at the start of her tour of duty on October 20, 2014, she answered, “I did not, no.” Mondragon OIG Tr. 158:10. Mondragon did not remember whether, as of October 20, 2014, it would have been general practice to notify a sergeant if the audio component of the in-car video system was not working.

Mondragon reviewed the allegations against her as set out in the Notification of Allegations served upon her by OIG, as relating to her use of 813R’s in-car video system on October 20, 2014. She responded, in relevant part, to the allegations as follows.

Allegation	Response
“It is alleged that on or about October 20, 2014, you failed to ensure the in-car video system for CPD vehicle 8779 was working properly at the beginning of your tour of duty.”	Mondragon responded, “I didn’t know the audio wasn’t working, but the camera was working.” Mondragon OIG Tr. 167:20-21. When asked if she did not know the audio was not working because she never checked, she answered, “Correct.” Mondragon OIG Tr. 168:1.
“It is alleged that on or about October 20, 2014, you failed to immediately notify a supervisor that the in-car video system for CPD vehicle 8779 was inoperable or damaged.”	Mondragon said that she did not know that the audio was not working.
“It is alleged that on or about October 20, 2014, you failed to audibly record events with CPD vehicle 8779’s in-car video system during your tour of duty.”	Mondragon responded, “Not that I failed, I didn’t know it wasn’t working.” Mondragon OIG Tr. 168:14-15.

**V. ANALYSIS**

OIG's investigation established that Mondragon made false statements and material omissions in her interviews with CPD and IPRA regarding the McDonald shooting. Mondragon's false statements and material omissions all served a similar purpose: to minimize Van Dyke's accountability in the shooting of McDonald, to materially exaggerate the threat posed by McDonald and provide a false narrative concerning the shooting.

Mondragon's false statements and material omissions served to minimize Van Dyke's accountability in that she omitted the fact that Van Dyke moved toward McDonald before shooting him and that McDonald was walking away from the Van Dyke and Walsh when he was shot, and further claimed that she was unable to identify Van Dyke as the shooter.

Further, Mondragon's credibility is severely limited by her uncooperativeness, as evidenced by her repeated and insistent claim that she did not remember details and events relating to the events of October 20, 2014. In response to OIG's questions, Mondragon answered that she did not remember or did not recall approximately 145 times, and answered with some variation of "not that I recall" more than a dozen times. She remembered being served pizza at Area Central, but stated she was unable to remember large swaths of details of the actual shooting. Even when asked whether she had witnessed a police-involved shooting before the McDonald shooting, she answered, "Not that I recall." Mondragon OIG Tr. 78:13. She gave the same response when asked if she had ever witnessed any shooting. It defies belief that Mondragon does not remember whether or not she had seen anyone shot, but has a clear recollection of pizza.

Mondragon's actions, individually and collectively, constitute violations of CPD Rules. Each of Mondragon's false statements constitutes a violation of Rule 14 (making a false report, written or oral). Her false statements also constitute violations of Rule 2 (engaging in any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department), and Rule 3 (failing to promote the Department's efforts to implement its policy and accomplish its goals). An officer who has made false statements in an official investigation has irrevocably tainted not only her credibility, but also the credibility of CPD—and also fails to promote CPD's goal of employing officers with personal integrity and professional devotion to law enforcement. Mondragon further violated Rule 6 (disobedience of an order, namely S03-05) and Rule 11 (incompetency in the performance of a duty) by failing to audibly record events with her in-car video system and failing to notify her supervisor about the status of the system's audio component. Accordingly, OIG recommends that CPD discharge Mondragon.

**A. Mondragon's False Narrative to Detective March**

Mondragon made false statements and material omissions in her October 20, 2014 statement to March. Specifically,

- Mondragon stated that she did not know who fired the shots at McDonald.

- Mondragon stated that, because she was placing her vehicle transmission into park, she was looking down during the time that McDonald was shot.
- Mondragon failed to state that McDonald changed the direction in which he was walking before he was shot.
- Mondragon failed to state that Van Dyke and Walsh moved toward McDonald before Van Dyke shot him.

Mondragon took the position that she did not see Van Dyke and Walsh move toward McDonald, and that she did not see who shot McDonald, because she wasn't looking at the officers. Instead, she said, she was either looking down to put her car in park or was focused solely on McDonald. Neither possibility is credible. The footage recorded by 813R's in-car video system, the very car Mondragon was driving, shows precisely what was visible from her location at the scene. It is unreasonable to suggest that it took Mondragon so long to move the transmission of a vehicle she was amply familiar with into park that she missed the entire interlude during which Van Dyke repeatedly shot McDonald – a period of time which appears to have lasted approximately 14 seconds.<sup>29</sup> Mondragon was not unfamiliar with the vehicle, and there should not have been anything particularly difficult about placing it into park; she admitted that she had driven the same car several times before and confirmed that the gear shift lever was located on the steering wheel. Further, she said that she was focused solely on McDonald, but she failed to say that he changed direction and was walking away from Van Dyke and Walsh. If she was wholly focused on McDonald, it is impossible that she did not see McDonald's actions. She asserted she did not recall whether she actually saw McDonald get shot and fall to the ground. She takes the precarious position that she did not see Van Dyke shoot because she was watching McDonald get shot, but she is not sure she saw McDonald get shot. Mondragon's answers are so inconsistent as to prevent any of them from being credited.

Taken as a whole, Mondragon's false statements and material omissions can be seen as a deliberate attempt to establish or further the false narrative that Van Dyke shot an onrushing McDonald in response to a potentially deadly knife attack. This narrative, and Mondragon's statements which further it, are belied by the video footage of the events of the shooting.

## B. Mondragon's False Narrative to IPRA

Mondragon effectively repeated her false narrative of the McDonald shooting to IPRA during her October 21, 2014 interview with Investigator Killen. Specifically, she again omitted the facts that Van Dyke and Walsh moved toward McDonald before McDonald was shot, and that McDonald had changed the direction in which he was walking, as are clearly shown by the video footage from Mondragon's own vehicle. She again stated that she did not see who shot McDonald. As detailed above, however, Mondragon's statement and omissions are contradicted by the video evidence. Nonetheless, she stood by her statement to IPRA that she had provided a true and accurate account of the shooting.

<sup>29</sup> See Jason Meisner, et al., *Chicago Releases Dash Cam Video of Fatal Shooting After Cop Charged with Murder*, CHICAGO TRIBUNE, Nov. 24, 2015.

### C. Failure to Comply with Special Order S03-05

Mondragon also violated Rule 6 (disobedience of an order) and Rule 11 (incompetency in the performance of a duty) by failing to audibly record events with her in-car video system and failing to notify her supervisor about the audio component's status as required by S03-05. Becvar, who recovered the video from 813R's in-car video system, found that the system's microphones were in the glove compartment with their batteries inserted upside down. If Mondragon had properly followed the pre-tour of duty in-car video system protocols, she would have identified all these issues. Yet, as Mondragon admitted, she never checked or reported on the status of 813R's audio component. Becvar's inspection revealed that, if the batteries were inserted correctly, 813R's audio recording component was fully functional.<sup>30</sup> Therefore, it was only Mondragon's failure to operate the system correctly that precluded audio recording. Mondragon repeatedly claimed that she did not know that the audio component was not working. The special order clearly requires, however, that an officer obtain an audio recorder and securely attach it to her person; it is difficult to imagine how Mondragon could not have known that she failed to attach a microphone to her person. Thus, the evidence demonstrates that Mondragon failed to follow the in-car video system procedures set forth in S03-05 on October 20, 2014.

### VI. RECOMMENDATION

Mondragon's false statements raise significant concerns regarding her credibility and ability to perform her duties as a sworn officer. As a sworn officer, Mondragon's reports are relied upon in criminal legal proceedings and her credibility is therefore critical to her position. An officer who has made false statements in an official investigation has irrevocably tainted her credibility and has wholly disqualified herself from effectively executing core police functions. Based on this conduct she may be the subject of cross-examination in any contested proceedings in which she may appear as a witness, *see FED. R. EVID. 608(b)* ("Specific instances of conduct"), and her conduct and the findings resulting from this investigation would further qualify as impeachment material that should, in principle, be disclosed in any contested proceeding involving the official records or testimony Mondragon generates. *See Giglio v. United States*, 405 U.S. 150 (1972) (requiring disclosure in criminal case of information impeaching of government witness's credibility). Illinois courts have repeatedly noted that "as the guardians of our laws, police officers are expected to act with integrity, honesty, and trustworthiness" and have found intentional false or misleading statements by police officers to be sufficient cause for termination. *Rodriguez v. Weis*, 408 Ill. App. 3d 663, 671 (1st Dist. 2011) (quoting *Sindermann v. Civil Service Comm'n*, 275 Ill. App. 3d 917, 928 (2nd Dist. 1995)). Further, Mondragon failed to comply with Special Order S03-05, and her actions resulted in the loss of what would have been critical, objective evidence of the events surrounding the McDonald shooting.

OIG therefore recommends that CPD discharge Mondragon and refer her for placement on the ineligible for rehire list maintained by the Department of Human Resources.

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<sup>30</sup> Information supplied by Becvar suggests that, given that the microphones in 813R would have been fully functional if the batteries had been inserted correctly, they may have been intentionally disabled. Because different officers drive the same car, however, OIG is unable to establish who may have disabled them.

## **VII. CPD RULE VIOLATIONS**

**Rule 2** Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

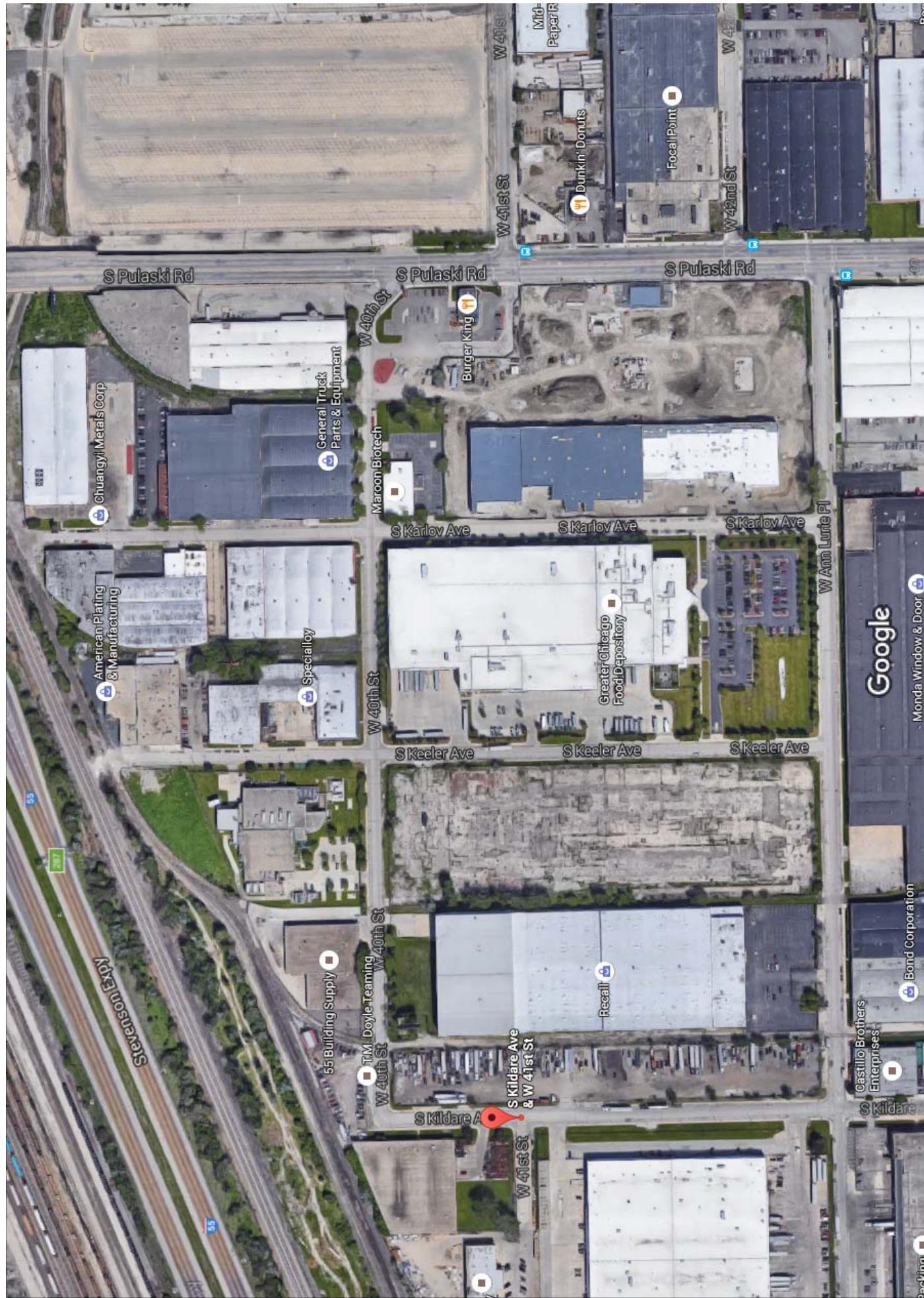
**Rule 3** Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

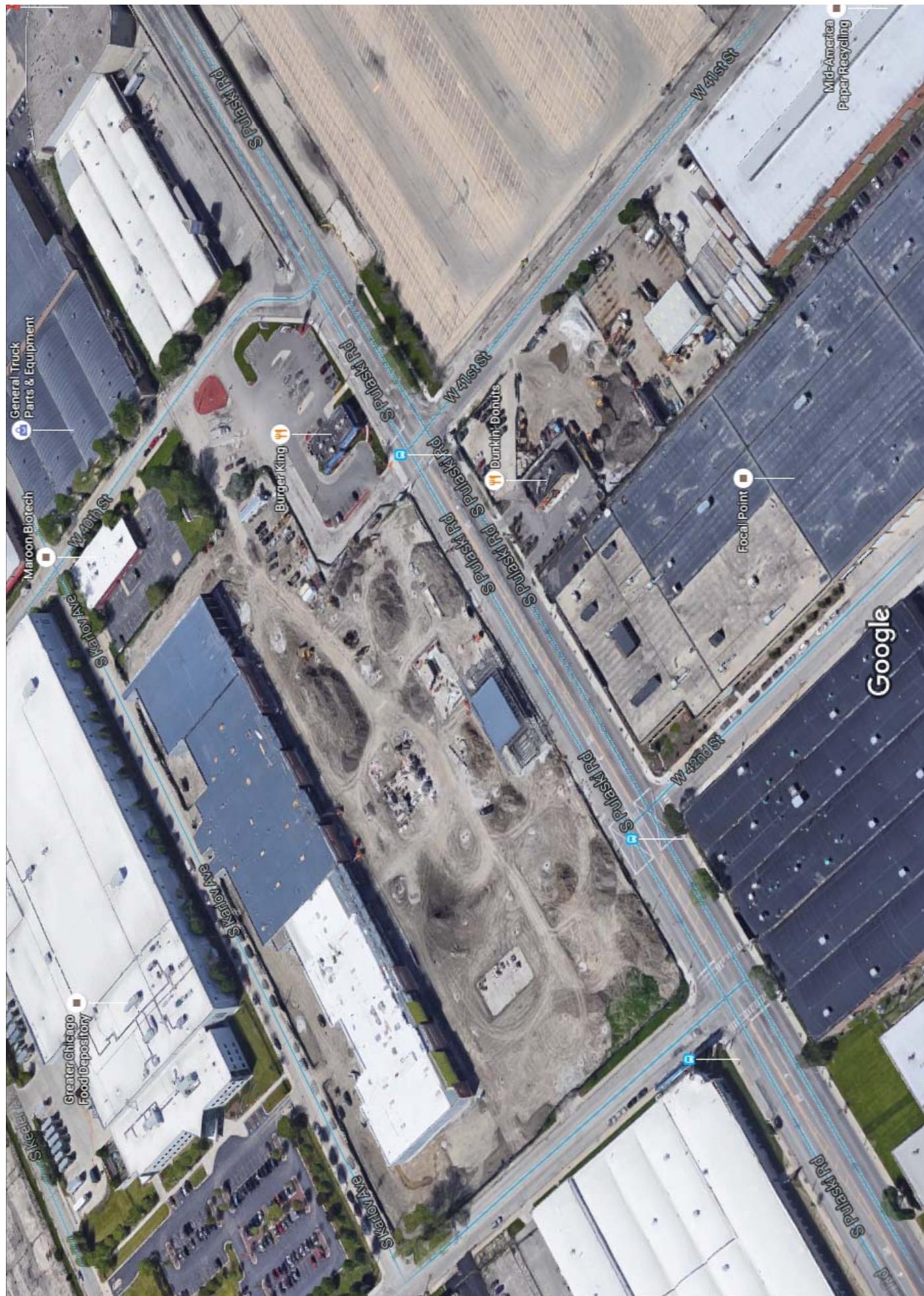
**Rule 6** Disobedience of an order or directive, whether written or oral.

**Rule 11** Incompetency or inefficiency in the performance of duty.

**Rule 14** Making a false report, written or oral.

# Appendix A





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